

**RULES OF PRACTICE AND PROCEDURE  
IN THE  
SEPARATE JUVENILE COURTS OF  
DOUGLAS COUNTY, NEBRASKA**

**EFFECTIVE JANUARY 20, 2000**

INITIAL STATEMENT

These rules shall govern the procedure of this Juvenile Court so far as they are applicable and are not inconsistent with any statute of the State of Nebraska or any rule or order of the Nebraska Supreme Court having the force of law.

Adopted January 20, 2000.

DECORUM AND ATTIRE

A Judge shall require order and decorum in proceedings before the Judge.

Attorneys shall conduct themselves in a manner which promotes a positive image of the profession, assists the court in properly reviewing the case, and displays appropriate respect for the justice system. Specifically, an attorney who manifests professional courtesy and civility:

- a. Is punctual and prepared for all court appearances;
- b. Always interacts with parties, counsel, witnesses, court personnel, and the court with courtesy and respect;
- c. Makes objections during court proceedings for legitimate and good faith reasons and does not make such objections only for the purpose of harassment or delay; and
- d. Honors appropriate requests made by opposing counsel during court proceedings which do not prejudice his or her client's rights or sacrifice tactical advantage.

All parties and their attorneys shall be present and prepared to proceed at the hour set for the hearing by the court. When the Judge enters the courtroom, those present shall rise and remain standing until the Judge is seated or until granted permission by the Judge to sit. Counsel shall not participate in colloquy with opposing counsel, whether audible or inaudible, without permission of the court. Attorneys shall examine witnesses and address the court from the attorney's table and shall not approach the bench, witness stand, court reporter, or opposing counsel or otherwise move from the counsel table, without first obtaining the permission of the court.

Witnesses and parties shall be referred to and addressed by their surnames unless age or other circumstance allows for usage of their first name. Only one counsel for each party shall examine a witness or make objections during the testimony of such witness.

In the discretion of the security officers or the court, any person may be subjected to a search of his or her person for possession of any weapons, destructive devices, or components thereof.

Attorneys shall be attired in ordinary business wear. All parties, witnesses, and persons present in the courtroom shall be appropriately attired. The court may continue or delay hearing if any parties' appearance is inappropriate. The court may also cause the removal from the courtroom of any individual inappropriately attired.

Cellular telephones, beepers, personal computers, or other such devices shall be turned off or otherwise disabled so as not to cause a disturbance during court proceedings.

Adopted effective January 22, 2000.

### PRETRIAL CONFERENCES

Pretrial conferences will be on order of the court, consistent with [Neb. Ct. R. of Dist. Ct. Pretrial Proc.](#), and shall specify the date, hour, and location requirement placed upon counsel, the manner in which the conference will be held, and any other matters the court deems appropriate. It is strongly encouraged that any and all stipulations should be entered into at the time of the pretrial. If stipulations are to be made, all counsel and parties should be present for same.

At the time of the pretrial conference, all counsel shall have spoken with their respective client and each other and shall be prepared to inform the court:

- a. Whether the matter will be contested;
- b. If contested, the estimate of time necessary to adjudicate;
- c. Whether in-chambers testimony will be requested and any other objections thereto;
- d. Whether any matters may be stipulated;
- e. Whether an interpreter of any nature will be required;
- f. Whether audiovisual equipment of any nature is required; and
- g. Whether there are any special health needs of counsel, parties, or witnesses requiring accommodation.

All counsel shall timely supplement the above with respect to information obtained following the pretrial conference and occurring prior to adjudication.

Adopted January 22, 2000.

### MOTIONS

All pretrial motions, unless otherwise stipulated by the parties, shall be in writing and contain a complete certificate of service and should be heard at least 5 days prior to the hearing unless otherwise governed by existing statutory or case law.

Unless otherwise stipulated by the parties, all motions shall contain a notice of hearing and the party seeking the hearing shall obtain a date from the Judge to whom the case is assigned or the Judge's bailiff.

In the event of vacation, extended illness, or prolonged absence of the Judge to whom the case is assigned, the parties seeking a hearing date shall obtain a hearing date from the presiding Judge of the Juvenile Court.

A motion to continue can be filed disclosing that all other parties and counsel agree to the continuance in which case the court may grant the motion without a hearing.

A motion to continue without agreement of opposing counsel and parties shall be set as previously outlined herein.

A written denial may be filed by counsel for the minor on those petitions alleging a law violation or status offense. A written denial may be filed by counsel for the parent, guardian, or custodian on Neb. Rev. Stat. § 43-247(3)(a) cases.

Motions for detention, endorsed summons, and such other ex parte orders shall be set and heard by the court within 24 hours of the detention occurrence, excluding nonjudicial days.

All motions sought to be entered without a hearing shall be accompanied by a proposed order for the Judge's signature.

Notice of all hearings shall be mailed or personally delivered to other counsel or party, if not represented by counsel, 3 full days prior to said hearing. The use of ordinary mail shall constitute sufficient compliance with this rule, except as may be otherwise specifically required by statute or rule of the Nebraska Supreme Court.

A detention hearing concerning either delinquency or status cases shall be set and heard by the court within 24 hours of detention occurrence, excluding nonjudicial days.

Ex parte orders for temporary custody obtained during nonjudicial days shall be heard by the next available judicial day.

Adopted effective January 22, 2000.

### GUARDIAN AD LITEM REPORTS

Guardian ad litem reports should be delivered to all counsel, pro se parties, and the court at least 5 nonjudicial days prior to the hearing.

Adopted effective January 22, 2000.

### EXHIBITS

All documents, including, but not limited to, predisposition reports, case plans, and progress/probation reports shall be delivered to all counsel and pro se parties in the court at least 5 judicial days prior to the hearing in which the documents are to be offered. The party offering said exhibit shall have the exhibit separately marked by the court reporter prior to the start of the hearing. Exhibits shall not contain any unrelated attachments.

All exhibits offered but not received by the court shall be returned to the court reporter unless leave is granted by the court to withdraw the exhibit.

Adopted effective January 22, 2000.

### PLEADINGS

All pleadings, motions, and proposed orders:

- a. Shall be printed or typewritten on paper 8½ inches wide and 11 inches long;
- b. Shall contain the name, address, Nebraska State Bar Association number, and telephone number of the attorney preparing the same;
- c. Shall include the caption of the case; and
- d. In the case of pleadings and motions shall designate its content and state on whose behalf it is filed.

Subsequent to the filing of a petition, any party filing a pleading, motion, or proposed order shall serve a copy of the same upon all attorneys of record or parties of record, if not represented by counsel. A copy shall also be served upon an attorney for the Nebraska Department of Health and Human Services and/or the assigned probation officer. Service by regular first class U.S. mail shall be sufficient unless service by some other means is required by law. Any document filed subsequent to the petition shall contain a certificate of service pursuant to this rule. A parent in a case filed under Neb. Rev. Stat. § 43-247(3) may file an answer within 30 days of the date of service of the petition. If no answer is filed, the material allegations in the petition will be deemed to be denied.

Adopted effective January 22, 2000.

## BRIEFS

Briefs shall be typed on paper 8½ inches wide and 11 inches long.

The original brief shall be delivered to the Judge rather than filed with the clerk. A copy shall be served on opposing counsel and any unrepresented parties. Service by first class U.S. mail shall be sufficient. Briefs shall contain a certificate of service indicating the time and manner of service.

Citation to authorities shall conform to generally accepted standards of citation. Citation of Nebraska cases shall include both Nebraska Reports and Northwestern Reporter citations.

The court may require briefs whenever briefs would be helpful to the court and may set a timetable. In the absence of a specific court order, a party receiving a brief may file a response within 14 days.

Adopted effective January 22, 2000.

## CHILD SUPPORT HEARINGS

Whenever the care or custody of a juvenile is given by the court to someone other than his or her parent, the county attorney or authorized attorney may initiate a child or medical support enforcement action in this court. Said action shall be initiated by the filing of an appropriate petition with service on the parent as required by law. The petition shall be filed under the docket number of the existing Juvenile Court case or may be filed as a separate action.

If filed in the Juvenile Court, the county attorney or authorized attorney shall give notice of the filing of said action and of any hearings to the attorney of record for the parent in this court, if any; to the guardian ad litem for the juvenile, if any; and to an attorney for the Nebraska Department of Health and Human Services. Notice of any hearing shall be given by regular first class mail and shall be given as soon as possible, but at least 5 judicial days prior to the hearing.

In said action, counsel are required to comply with the [Nebraska Child Support Guidelines](#) as promulgated and modified by the Nebraska Supreme Court. The county attorney or authorized attorney and the attorney for the parent, if any, shall complete a child support calculation worksheet pursuant to the guidelines and furnish the worksheet to opposing counsel or parties at least 3 days prior to any hearing on a request for child or medical support. The parties setting a child or medical support action for trial shall request sufficient time for trial of the case. Notice shall be given as set out above.

Adopted effective January 22, 2000.

## COURT FILES

Court files may be checked out by attorneys licensed to practice law in Nebraska or the attorney's representative. All other persons, including individuals appearing pro se, may review the court file and, for a fee, obtain copies of pleadings contained within the court file. Said court files must be returned within 3 days of checkout or 3 days before the next hearing in the case, whichever day occurs earlier. It is the responsibility of each person checking out the court files to be aware of the next hearing or trial date in the case.

Adopted effective January 22, 2000.

#### APPOINTMENT OF COUNSEL AND FEES

The court will appoint counsel for any party determined indigent by the court and whenever else appointment of counsel would be appropriate.

Court-appointed counsel may apply for payment of reasonable attorney fees by submitting a statement to the Clerk of the Juvenile Court, providing with specificity each service rendered, the date of each service rendered, and the amount of time expended thereto. Said statement should further include the attorney's name and the docket and page of the case. Further, court-appointed counsel shall sign each statement affirming the truth and veracity of same.

Adopted effective January 22, 2000.

#### PAYMENT OF COURT COSTS PROCEDURE

Generally, court costs ordered paid in Juvenile Court shall be paid to the Clerk of the District Court for Douglas County. Payor shall be able to provide docket and page of the case for appropriate credit. A copy of the receipt provided by the Clerk of the District Court for Douglas County shall be provided to the Clerk of the Juvenile Court.

Adopted effective January 22, 2000.

#### NONJUDICIAL HOURS CONTACT

Generally, emergency contact with the Court for ex parte orders or otherwise should first be attempted through the juvenile intake office of the Douglas County Juvenile Probation.

Adopted effective January 22, 2000.